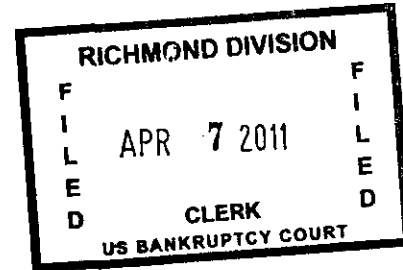


1 DUANE DAVIDSON
2 Benton County Treasurer
3 Prosser Courthouse
4 Second Floor
5 620 Market Street
6 P.O. Box 630
7 Prosser, WA 99350
8 Phone: (509) 786-2255
9 Fax: (509) 786-5628



10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF VIRGINIA**
12 **RICHMOND DIVISION**

13 In re:

14 CIRCUIT CITY STORES, INC., et al.,
15
16 Debtors.

CASE No. 08-35653 (KRH)
Chapter 11
(Jointly Administered)

17
18 **BENTON COUNTY TREASURER'S OPPOSITION TO THE**
19 **LIQUIDATING TRUST'S EIGHTEENTH OMNIBUS OBJECTION**
20 **TO CLAIMS**

21 The Benton County Treasurer's Office hereby files its Opposition to the
22 Liquidating Trust's Eighteenth Omnibus Objection to Claims Filed by Taxing
23 Authorities. This Opposition is based on any pleadings on file herein, the following
24 points and authorities, and the attached exhibits.
25
26
27
28

BENTON COUNTY TREASURER'S
OPPOSITION TO THE LIQUIDATING
TRUST'S EIGHTEENTH OMNIBUS OBJECTION TO CLAIMS -1

1 **I. STATEMENT OF FACTS AND PROCEDURAL HISTORY**

2 On or about February 27, 2009, the Treasurer of Benton County, Washington,
3
4 filed a claim, claim number 11711, in the present action for unpaid personal property
5 taxes in the amount of \$3,344.53. *See*, true and accurate copy of claim, attached
6 hereto as **Exhibit A**. That amount was based on personal property reported by the
7 Debtor as having an aggregate original purchase cost of \$1,067,892. *See*, true and
8 accurate copy of debtor's Personal Property Assessment Notice, attached hereto as
9 **Exhibit B**. Applying the Washington Department of Revenue valuation guidelines,
10 the resulting assessed value was \$285,293. *See*, true and correct copy of excerpts
11 from Washington Department of Revenue Personal and Industrial Property Valuation
12 Guidelines, attached hereto as **Exhibit C**. At the applicable levy rate, that resulted
13 in a tax liability of \$3,344.53. *See* Exhibit A, p. 2
14
15

16 The Debtor contested the valuation, and a hearing was held before the Benton
17 County Board of Equalization on January 13, 2010. *See*, true and accurate copy of
18 Order of Benton County Board of Equalization, attached hereto as **Exhibit D**. The
19 Board of Equalization upheld the valuation of the property. *Id.* The Debtor did not
20 appeal from the Board of Equalization's findings.
21
22

23 On or about February 28, 2011, the Circuit City Stores, Inc. Liquidating Trust
24 filed its Eighteenth Omnibus Objection to Claims filed by Taxing Authorities seeking
25 a reduction in Benton County's assessment.
26
27
28

II. ANALYSIS

Before reaching the basis of Benton County's assessment, the Liquidating Trust's objection is barred by 11 U.S.C. § 505(a)(2)(C), which provides that a court may not determine the legality or amount of any ad valorem tax on real or personal property "if the applicable period for contesting or redetermining that amount under any law (other than bankruptcy law) has expired."

In the present case, the Debtor unsuccessfully contested its property tax assessment in the January of 2009, *see* Exhibit D, after which it had 30 days to appeal to the Washington State Board of Tax Appeals, RCW 84.08.130. The Debtor did not do so, and so the applicable period to contest or seek a redetermination of the valuation expired in the February of 2009. Accordingly, the revaluation sought by the Liquidating Trustee is untimely and is barred by 11 U.S.C. § 505(a)(2)(C).


Further, even if the Court were to undertake a revaluation of the subject personal property, the Court would look to the state law of the taxing entity, in this case the tax laws of Washington State. *See In re Laptops Etc. Corp.*, 164 B.R. 506, 514 (1993). Here, Benton County applied the depreciation guidelines provided by the Washington State Department of Revenue to personal property purchase costs provided by the Debtor, resulting in the valuation at issue. *See*, Exhibits B, C. Under Washington law, that assessment is presumptively correct, and that presumption can only be overcome upon a showing of "clear, cogent and convincing evidence." RCW

1 84.40.0301. In support of its objection, however, the Liquidating Trust has produced
2 no evidence or reasoning, providing only the conclusory comment that the valuation
3 should be "Reduced to reflect amount of tax based on fair market value of debtors
4 property subject to tax." Liquidating Trust's Eighteenth Omnibus Objection to
5 Claims Filed by Taxing Authorities, Exhibit C. Accordingly, the Liquidating Trustee
6 has not met its burden to overcome the statutory presumption of the correctness of the
7 valuation.
8
9

10 III. CONCLUSION

11
12 The Benton County Treasurer's Office respectfully requests that the Court deny
13 the Liquidating Trust's Eighteenth Omnibus Objection with respect to Benton
14 County's claim.
15

16 Dated this 6 day of April, 2011.

17 By: 
18 DUANE DAVIDSON
19 Benton County Treasurer
20 Prosser Courthouse
21 Second Floor
22 620 Market Street
23 P.O. Box 630
24 Prosser, WA 99350
25 Telephone: (509) 786-2255
26 Fax: (509) 786-5628
27
28

BENTON COUNTY TREASURER'S
OPPOSITION TO THE LIQUIDATING
TRUST'S EIGHTEENTH OMNIBUS OBJECTION TO CLAIMS -4

CERTIFICATE OF SERVICE

I certify that I served, in the manner indicated below, a true and correct copy
of the foregoing document as follows:

Jeffrey N. Pomerantz, Esq.

Andrew W. Caine, Esq.

PACHULSKI STANG ZIEHL & JONES LLP

10100 Santa Monica Boulevard

Los Angeles, CA 90067-4100

☐ U.S. Regular Mail, Postage Prepaid

☐ Legal Messenger

☒ Overnight Express

☐ Facsimile

☐ Hand Delivery by _____

Robert J. Feinstein, Esq.

PACHULSKI STANG ZIEHL & JONES LLP

780 Third Avenue, 36th Floor

New York, NY 10017

☐ U.S. Regular Mail, Postage Prepaid

☐ Legal Messenger

☒ Overnight Express

☐ Facsimile

☐ Hand Delivery by _____

Lynn L. Tavenner, Esq.

Paula S. Beran, Esq.

TAVENNER & BERAN, PLC

20 North Eighth Street, 2nd Floor

Richmond, VA 23219

☐ U.S. Regular Mail, Postage Prepaid

☐ Legal Messenger

☒ Overnight Express

☐ Facsimile

☐ Hand Delivery by _____

DATED this 6th day of April, 2011, at Kennewick, Washington.


SHANNON C. SLAGHT

BENTON COUNTY TREASURER'S
OPPOSITION TO THE LIQUIDATING
TRUST'S EIGHTEENTH OMNIBUS OBJECTION TO CLAIMS -5

United States Bankruptcy Court Eastern District of Virginia, Richmond Division		REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSES
In Re: CIRCUIT CITY STORES, INC., et al.	Case Number: 08-35653 thru 08-35670 Chapter 11 Jointly Adm.	This Space Is For Court Use Only
Name of Debtor: CIRCUIT CITY STORES, INC.	08-35653	
NOTE: This form should only be used to make a claim for an administrative expense as defined in 11 U.S.C. § 503. This "request" for payment of an administrative expense relates to the actual costs of preserving the estate, including taxes, fines and penalties on the estate in relation to business conducted with the debtor(s). The administrative expenses occurred on or after the petition date but on or before the bar date for the filing of requests for payment of administrative expenses.		
Name of Creditor (Person or entity to whom the debtor owes money or property) BENTON COUNTY TREASURER P. O. BOX 630 PROSSER, WA 99350-0630 TELEPHONE NO. (509) 786-2255	<input type="checkbox"/> Check box if you are aware that anyone else has filed a request for payment of an administrative expense relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name and Address Where Notices Should be Sent BENTON COUNTY PROSECUTING ATTORNEY 7122 WEST OKANOGAN PLACE, BUILDING A KENNEWICK, WA 99336-2359 TELEPHONE NO. (509) 786-5608		
Last four digits of account or other number by which creditor identifies debtor: See attached Exhibit A.	Check here if this claim: <input type="checkbox"/> replaces a previously filed claim, dated: <input type="checkbox"/> amends	
1. Basis for claim: <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money Loaned <input type="checkbox"/> Personal injury/wrongful death <input checked="" type="checkbox"/> Taxes <input type="checkbox"/> Other (Describe briefly) <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Last four digits of SSN: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)		
2. Date debt was incurred: See attached Exhibit A.	3. If court judgment, date obtained:	
4. Amount of claim: <u>\$3,344.53</u> (TOTAL)		
5. Administrative expense. Post-Petition Administrative Expenses arising on or after: <u>11/10/08</u> Brief Description of Administrative expenses: <input checked="" type="checkbox"/> Real Estate and/or Personal Property Taxes- SEE ATTACHED EXHIBIT A. <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other (Describe briefly) <input checked="" type="checkbox"/> Interest accrues at the rate of <u>12%</u> per annum.		
5. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.) 7. Supporting documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.) 8. Date-stamped copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		THIS SPACE IS FOR COURT USE ONLY
CERTIFICATION: The undersigned certifies under penalty of perjury that the debtors named above are indebted to the claimant in the amount shown, that there is no security for the debt other than that stated above or in an attachment to this form, that no unmatured interest is included, and that the undersigned is authorized to make this claim.		
DATE February 27, 2009	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any). <u>Duane A. Davidson, Benton County Treasurer</u>	Exhibit <u>A</u>
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both, 18 U.S.C. §§ 152 and 3571.		

CIRCUIT CITY STORES, INC., et al.

08-35653 thru 08-35670 Chapter 11
Jointly Adm.

CIRCUIT CITY STORES, INC.

08-35653

EXHIBIT A

PROOF OF CLAIM

STATEMENT OF TAXES DUE

CASE NO: 08-35653

PAGE 1

BENTON COUNTY, WASHINGTON	DATE INCURRED	CURRENT ASSESSED VALUE	DATE TAX DUE	AMOUNT OF TAXES DUE	DATE TAXES DELINQUENT	*AMOUNT OF DELINQUENT INTEREST & COSTS		TOTAL DUE
3-0PC7-490-0000-000	01-28-09	\$328,308	04-30-10	\$3,344.53	05-01-10	\$0.00	\$0.00	\$3,344.53
	AMOUNT OF ARREARAGE			\$0.00		\$0.00	\$0.00	\$0.00
	CLAIM AMOUNT			\$3,344.53		\$0.00	\$0.00	\$3,344.53

NOTE: RCW 84.56.020 provides that all taxes are due on or before April 30 and are delinquent thereafter, provided, if one half of the taxes are paid by April 30, the second half shall be due on or before October 31 and are delinquent thereafter. Delinquent taxes bear interest at the rate of 12 percent per annum, plus a penalty of three percent of the amount delinquent on June 1st of the year due and an additional eight percent penalty on the amount delinquent on December 1st of the year due.

*Interest & costs in this column computed through: APR 2010 Interest accrues thereafter as noted above. DATED: 02/27/09

NOTE: TAX IS DUE UPON THE EARLIER
OF THE SALE DATE OR DUE DATE SHOWN.

Name of Debtor: CIRCUIT CITY STORES, INC.

08-35653

EXHIBIT B
RCW 84.60.010

"Priority of tax lien. All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real and personal property upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this title, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt obligation or responsibility to or with which said real and personal property may become charged or liable.
(Amended by Laws 1969, Ex. Sess., ch. 251, § 1)"

RCW 84.60.020

"Attachment of tax liens. The taxes assessed upon real property, including mobile homes assessed thereon, and other mobile homes as defined in RCW 82.50.010 shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between the grantor or vendor and the grantee or purchaser of any real property or any such mobile home, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The lien for the property taxes assessed on a mobile home shall be terminated and absolved for the year subsequent to the year of its removal from the state, when notice is given to the county treasurer describing the mobile home, if all property taxes due at the time of removal are satisfied. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property except mobile homes as above provided from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the treasurer as provided in RCW 84.56.070, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in RCW 84.60.040, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.
(Amended by Laws 1977, Ex. Sess., ch. 22, § 8, effective May 6, 1977; Laws 1985, ch. 395, § 5)

Barbara Wagner
Office of the Assessor
BENTON COUNTY
 7122 W. Okanogan Place, Building A
 Kennewick, WA 99336
 (509) 735-2394

NOTICE DATE:

January 28, 2009

5% penalty for each month after due date up to 25%. Willful failure to file return form 100% penalty.

PENALTY

PERSONAL PROPERTY LISTING LAW 84.40.040

MAIL TO

ACCOUNT NO 30PC74900000000 TAX CODE AREA R2
 NAME AND ADDRESS

CIRCUIT CITY STORES INC #3754
 JAMES E KING
 PO BOX 42304
 RICHMOND VA 23242-2304

PERSONAL PROPERTY LOCATION

1430 TAPTEAL DR, RICHLAND

REAL ESTATE PARCEL NO.

CLASS CODE 59

**THIS IS A COPY
 FOR YOUR RECORDS
 OF YOUR
 PERSONAL PROPERTY
 ASSESSMENT**

Asset or Line No.	Schedule	Description	Purchase Year	Total Cost	Assessed Value
-------------------	----------	-------------	---------------	------------	----------------

- Assessed Value for 2010 tax year -

0020	16	FURNITURE AND FIXTURES	2000	\$552,019	\$140,765
0030	16	MACHINERY AND EQUIPMENT	2000	\$141,719	\$36,138
0080	19	SIGN	2000	\$2,100	\$386
0010	30	COMPUTERS/POS	2000	\$135,418	\$20,313
0060	16	FURNITURE AND FIXTURES	2001	\$83,556	\$25,234
0070	24	MACHINERY AND EQUIPMENT	2001	\$977	\$147
0050	30.5	COMPUTERS	2001	\$725	\$30
0090	16	FURNITURE AND FIXTURES	2002	\$5,415	\$1,933
0100	16	MACHINERY AND EQUIPMENT	2002	\$12,228	\$4,365
0110	16	FURNITURE	2003	\$92,114	\$38,780
0130	30.5	COMPUTER	2004	\$446	\$66
0140	30.5	COMPUTERS	2005	\$13,650	\$3,003
0150	16	FURNITURE	2006	\$3,215	\$2,048
0170	24	MACH & EQUIP	2006	\$8,191	\$3,866
0160	30.5	COMPUTERS	2006	\$8,641	\$2,834
00180	16	FURNITURE	2007	\$2,908	\$2,117
00190	24	MACH & EQUIP	2007	\$3,223	\$1,921
0040	SU	SUPPLIES - MONTHLY AVG	2009	\$1,347	\$1,347
Totals:				\$1,067,892	\$285,293

Exhibit B

THE ABOVE ASSESSED VALUATION HAS BEEN PROCESSED FROM YOUR REPORTED PERSONAL PROPERTY LISTING

NOTICE: THIS IS NOT A TAX STATEMENT but a copy of your personal property assessment. This value will be used when computing next year's tax statement. If you believe this total assessed value does not represent true and fair market value, please present your objection to the County Assessor. You may petition the County Board of Equalization by July 1st or 30 days from the date of notice, whichever is later.

	YES	NO
Head of Family Exemption	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State School Exemption	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THIS RETURN SUBJECT TO AUDIT AND VERIFICATION BY THE STATE DEPARTMENT OF REVENUE AND/OR THE ASSESSOR'S OFFICE.
 THE CONTENTS OF THIS FORM CONFORM TO THE STANDARDS AS PRESCRIBED BY THE STATE DEPARTMENT OF REVENUE.



Personal and Industrial Property Valuation Guidelines -- Trended Investment Method for January 1, 2009

If You Have Questions

For questions about these *Guidelines* or other personal and industrial property tax issues, contact:

Name	Title	Phone Number	E-Mail Address
Pete Levine	Personal Property Supervisor	(360) 570-5884	PeteL@dor.wa.gov
Howard Hubler	Property Tax Supervisor	(425) 356-4850	HowardH@dor.wa.gov

To access the *2009 Personal Property and Industrial Valuation Guidelines*:

- Go to the Department of Revenue's web site at www.dor.wa.gov.
- Select **Find taxes and rates** on the left side of the screen.
- Select **Property tax** below the **Find taxes and rates** heading.
- Scroll down and select **Property tax publications** on the right side of the screen.
- Select either **Personal Property Valuation Guidelines** or **Industrial Valuation Guidelines** in the center of the screen.
- Select **2009**.

Exhibit C

Table of Contents

If You Have Questions	1
Personal & Industrial Property Valuation Tables – <i>MS Excel Link</i>	2
Purpose and Use of These Guidelines.....	3
Clarifications and Revisions to the Guidelines for 2009	3
Minimum Value Percent Good Factors.....	5
Exceptions to the Minimum Value Percent.....	5
Questions & Answers.....	6
Index to Trended Investment Valuation Indicators	7-13
Supplemental Valuation Table A	14

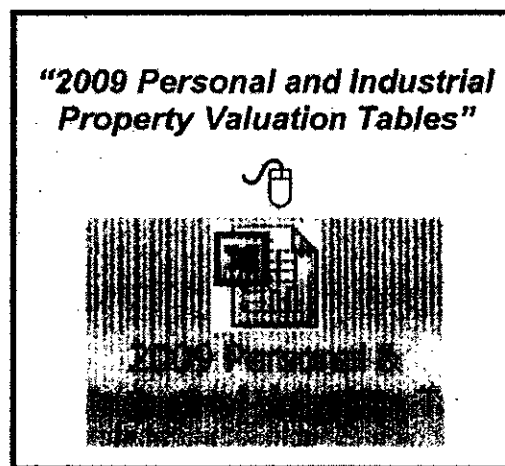
Valuation Tables -- MS Excel Link



Double click on the MS Excel icon in the box below to access the “2009 Personal and Industrial Property Valuation Tables.”

Included in the link – *in the box below* – to the Excel file are the following worksheets and the respective tables:

- 2009 Combined Tables (All)
- 2009 Trend I Table
- 2009 Trend II and III Tables
- 2009 Building and Land Improvements Table
- 2009 Title Plant (Supp B)
- Informational – 2009 Trend with Freeze
- Informational – Declining Balance Table



Bottling & Soft Drinks Mfg	
<i>Part of production line</i>	10
<i>Free standing, not part of a production line</i>	14
<i>Beverage Canisters/Cylinders (i.e., Pre-Mix Soda Pop)</i>	10
<i>CO2 Tanks/Cylinders</i>	10
Casino Equipment	
<i>Video Type</i>	24
<i>Game Type (F&F, i.e., blackjack table, roulette wheel, etc.)</i>	19
Convenience Stores	
<i>Cash Registers & Scanners</i>	24
<i>Dispensers (gas)</i>	20
<i>Fixtures & Equipment</i>	16
<i>POS (Point of Sale computer systems)</i>	30
<i>Walk-in Coolers</i>	12
Game Consoles (Playstation, Wii, Xbox, etc.)	24
Gas Stations	
<i>Cash Registers & Scanners</i>	24
<i>Dispensers (gas)</i>	20
<i>Fixtures & Equipment</i>	16
<i>POS (Point of Sale computer systems)</i>	30
<i>Walk-in Coolers</i>	12
Generators (gas & diesel)	16
Soft Drink Mfg. M&E	
<i>Part of production line</i>	10
<i>Free standing, not part of a production line</i>	14
<i>Beverage Canisters/Cylinders (i.e., Pre-Mix Soda Pop)</i>	10
<i>CO2 Tanks/Cylinders</i>	10
Survey Equipment	
<i>Electronic</i>	24
<i>Other Survey M&E (non-electronic)</i>	14
Tanks	
<i>Agricultural Tanks</i>	16
<i>Beverage Canisters/Cylinders (i.e., Pre-Mix Soda Pop)</i>	10
<i>Bulk Petroleum & Chemical</i>	B&LI Trend/6.5
<i>CO2 Tanks/Cylinders (& other Specialty Gasses)</i>	10
<i>Cryogenic Tanks (part of an M&E setting)</i>	7.5
<i>Oxygen & Acetylene Tanks/Cylinders</i>	10
<i>Propane Tanks/Cylinders</i>	12
<i>Winery Tanks</i>	7.5

recorders) decline to 2 percent good, and two of the Microchip Manufacturing M&E categories decline to 5 percent good. In addition, network computer equipment and mainframes are valued using the Trend II “N” table, which declines to 5 percent good.

Questions & Answers

In the past, we have been asked to respond to a few specific questions about aspects and issues relating to the assessment and valuation of certain property. The following Q&As address some of those questions.

➤ **Q.** I see a separate table for CNC Milling Machines, *Trend III / MM*. What is a milling machine and how do I use that table?

A. A milling machine is a machine used for the complex shaping of metal and possibly other solid materials. Milling machines can perform a vast number of complex operations such as a slot, cutting, planing, drilling, rebating, routing, etc. They can be either manually controlled or CNC and are generally not directly part of a production line, but rather they are associated with machine shops and other manufacturing processes. The combined table *Trend III / MM* is recommended for CNC milling machines where it can be demonstrated that the CNC hardware component is integrated with the equipment (i.e., an all-in-one unit) in such a way that the CNC cannot be separated from the machine or modified other than by software programming. The table accounts for the technological changes that have occurred in the industry. Milling machines and machine shop equipment without an integrated CNC component are valued using the 12 percent table.

➤ **Q.** What about rental assets, are they taxable and at what cost?

A. Rental assets, whether held or owned for short-term rental (generally less than 30 days) or long-term rental/lease, are assessable and are to be valued at 100 percent of their true and fair market value. This is to say that the historical or original costs need to be reported at the retail trade level in order to adequately arrive at a market value using the valuation guidelines.

➤ **Q.** How should I value a crawler (bulldozer)? In construction should I use a 16 percent table, or on a farm a 12 percent table; or what if it is part of a logging operation, should I use an 18 percent table?

A. Use a 16 percent table for crawlers, or bulldozers, regardless of business type, with a few exceptions:

- Crawlers, or bulldozers, with grapples are generally purchased and used for logging, and therefore should be valued using an 18 percent table.
- Crawlers such as “Cat Challengers,” or similar types, are essentially tractors that have tracks and should be valued at a 12 percent table. These typically have tracks, but are otherwise built and used like tractors; i.e., they have a PTO for operating implements like most tractors, and they are used similarly to a rubber-tired tractor in farming operations and are less likely to be found on construction sites.

INDEX TO

TRENDED INVESTMENT VALUATION INDICATORS

For January 1, 2009, Valuations

BUSINESS ACTIVITY OR TYPE OF BUSINESS

Use Trend I from Combined Table unless Trend II, Trend III, Supp. A, or Supp. B is indicated

Trend/Column	Trend/Column
Bowling Alleys	12
Electronic Scoring Machines	24
Pinsetters & Others	19
Brewing & Distilling	10
Building & Land Improvements	
Bldg Class CDS & Land Imprvmts. B&LI Trend /4(L)	
Chemical Buildings B&LI Trend /6.5(CH)	
Short lived improvements – B&LI Trend/16(SL)	
carpet, asphalt paving, fencing, etc.	
Butcher Shops	12
- C -	
C.A.T.V. & S.A.T.V. Equipment	
Signal Receiving Equipment	12
Distribution Equipment	14
Headend Equipment	16
Converters, Decoders, Digital Boxes, Modems	30
Electronic Testing Equipment and Small Tools	24
Television Production Equipment	19
Cabinet Shop M&E	12
Campground Equipment	16
Candy & Confection Mfg. M&E	12
Car Wash (5 Min. & Coin-Op)	18
Cash Machines	24
Cash Registers & Scanners	24
Casino Equipment	
Video Type	24
Game Type (F&F, i.e., blackjack table, roulette wheel, etc.)	19
Cell/wireless telephone tower – tower only	7.5
Cell/wireless telephone tower – with antennae	12
Cell/wireless telephone antennae – antennae only	24
Cement, Clay, & Brick Products Mfg.	7.5
Chemical Products Mfg.	8.5
Clothing Mfg.	8.5
Cocktail Bars & Taverns	19
Antique Back Bars (Value at Cost)	
Coin-Op Lockers	16
Coin-Op Machines	24
Computer Systems (Business)	
Lotto Machines	30
Mainframe Computers, Disk Array and other Storage Devices, and Network servers	Trend II/N
Personal Computers (Including desktop and/or laptop computers and peripheral/connected hardware. E.g., scanner, printer, and multifunction digital printer/scanner/fax machine combo.)	Trend II/C
Canned Software	Supp. A
Custom Software	Supp. A
Production Systems Computers (with direct electronic link to longer-lived equipment.)	24
Computer Numeric Controlled (CNC) Milling Machines (freestanding, not part of a production line & the CNC hardware component is integrated within the milling machine)	Trend III/MM
Construction M&E	
General Construction	16
Asphalt Plants	
Portable	18
Stationary	12
Land Clearing (i.e., backhoe, excavator crawler, grader, etc.)	16
Unlicensed & Licensed Vehicles including Trailers (permanently sited and/or not primarily designed for use on public streets and highways; see PTA 6.0.2004, "Property Taxability of Motor Vehicles")	16
Marine Construction	
Ships & Vessels (production line)	7.5
Ships & Vessels (portable equipment)	12
Pleasure Craft	12
Boat Molds	24
Road Construction-Heavy (i.e., asphalt grinder, large off-highway truck, etc.)	24
Rock Crushing	
Portable	18
Stationary	12
Sewer & Utilities	16
Well Drilling	16
Container Mfg. M&E	7.5
Convenience Stores	
Cash Registers & Scanners	24
Dispensers (gas)	20
Fixtures & Equipment	16
POS (Point of Sale computer systems)	30
Walk-in Coolers	12
Coolers (walk-in)	12
Copy Machines (purchased)	30

INDEX TO TRENDED INVESTMENT VALUATION INDICATORS For January 1, 2009, Valuations

BUSINESS ACTIVITY OR TYPE OF BUSINESS

Use Trend I from Combined Table unless Trend II, Trend III, Supp. A, or Supp. B is indicated

	Trend/Column		Trend/Column
Garage M&E	18		- L -
Garbage Dumpsters	16	Laboratories	
Gas Stations		Diagnostic	24
Dispensers (gas)	20	Equipment (non-electric)	18
Equipment	18	Equipment (electronic & computerized)	24
Store F&F	16	Land Improvements & Buildings	
General Contractor M&E	16	Bldg Class CDS & Land Imprvmts. B&LI Trend /4(L)	
Generators (gas & diesel)	16	Chemical Buildings B&LI Trend /6.5(CH)	
Golf Courses		Short-lived Improvements – B&LI Trend/16(SL)	
Carts	20	carpet, asphalt paving, fencing, etc.	
Equipment	18	Landscaping M&E	16
Tractors	12	Laundry & Dry Cleaning	
GPS Receivers (not affixed)	30	Coin-Op	24
Greenhouse & Nursery M&E	16	Other Than Coin-Op	14
Grocery Stores		Law Libraries	12
Cash Registers & Scanners	24	Leather Products Mfg. M&E	8.5
Fixtures & Equipment	16	Libraries (professional)	12
Meat Packing	12	Lift Trucks (see Forklift)	
POS (Point of Sale computer systems)	30	Lotto Machines	30
Walk-in Coolers	12	Lumber & Wood Products	
		Logging M&E	18
- H -		Log Stackers	18
Hardware Store F&F	16	Pulp, Paper, & Paperboard mfg.	7.5
Hatchery M&E	16	Plywood & Veneer mfg.	8.5
Health Spa Equip.		Scarifying M&E	18
Manual	16	Sawmills	
Electronic	24	Portable	14
Hospitals		Stationary	8.5
Equipment	16		- M -
Diagnostic Equipment (CT, MRI, ultrasound, etc.)	24	Machine Shop M&E (production)	7.5
Laboratory Equip. (non-electric)	18	Machine Shop M&E (not part of production line, such as lathes)	12
Laboratory Equip. (electronic & computerized)	24	Machine Shop – Milling Machines (freestanding, not part of production line)	
Mattresses	30	Computer Numeric Controlled (CNC) Trend III/MM	
X-Ray	12	Milling Machines (CNC hardware component integrated within the milling machine)	
- I -		Manual Milling Machines (non-CNC)	12
Ice Cream Cabinets	16	Mailing Machines	20
Ice & Refrigeration Machinery	7.5	Meat Packing M&E	12
Iron & Steel Industry	7.5	Meat Processing (Complex)	8.5
		Medical Equipment	14
- J -			
Janitorial Service Equipment	20		
Jewelry Store F&F and Equip.	16		
- K -			
Key Duplication	16		

INDEX TO TRENDED INVESTMENT VALUATION INDICATORS For January 1, 2009, Valuations

BUSINESS ACTIVITY OR TYPE OF BUSINESS

Use Trend I from Combined Table unless Trend II, Trend III, Supp. A, or Supp. B is indicated

	Trend/Column		Trend/Column
Railroad Rolling Stock-Private (except logging cars)	12	Smelting	7.5
Railroad Car Conversions	16	Soft Drink Mfg. M&E	
Refrigeration & Cold Storage	8.5	Part of production line	10
Rental Equipment		Free standing, not part of a production line	14
Costumes	24	Beverage Canisters/Cylinders	10
Public U-Rent (excluding Heavy Equipment)	24	(i.e., Pre-Mix Soda Pop)	
Heavy Equipment (Value by Type)		CO2 Tanks/Cylinders	10
Telephones (Residential)	30	Sound Systems (background)	24
Tuxedos	30	Supermarkets	
Research & Development M&E	20	Cash Registers & Scanners	24
Restaurants, Soda Fountains, & Drive-Ins	19	Fixtures & Equipment	16
Walk-in Coolers	12	Meat Packing	12
Retail Stores		POS Computer Systems	30
Fixtures	16	Public Address Systems	20
Office F&F (see Office Equip.)		Walk-in Coolers	12
POS Computer Systems	30	Surveying Equipment	
Public Address Systems	20	Electronic	24
Sound Systems (Background)	24	Other Survey M&E (non electronic)	14
Rock Crushers (see Construction)			
		- T -	
		Tanks	
		Agricultural Tanks	16
		Beverage Canisters/Cylinders	10
		(i.e., Pre-Mix Soda Pop)	
		Bulk Petroleum & Chemical	B&LI Trend/6.5
		CO2 Tanks/Cylinders (& Specialty Gasses)	10
		Cryogenic Tanks (part of a M&E setting)	7.5
		Oxygen & Acetylene Tanks/Cylinders	10
		Propane Tanks/Cylinders	12
		Winery Tanks	7.5
		Tanning Salon Equip.	16
		Tavern & Bar Equipment	19
		Antique Back Bars (Value at Cost)	
		Television & Radio Equipment (see Radio)	
		Television (for entertainment)	24
		Telephones	
		Cellular	30
		Pagers	24
		Rentals (commercial & residential)	30
		Systems (customer owned)	30
		Fax/Phone/Copier Units	30
		Cell/wireless telephone tower - tower only	7.5
		Cell/wireless telephone tower - with antennae	12
		Cell/wireless telephone antennae - antennae only	24
		Textile Tent & Awning Mfg. M&E	8.5

TREND I COMBINED TABLES FOR PERSONAL AND INDUSTRIAL PROPERTY

Percent Good Indicators -- For January 1, 2009 Valuations

AGE	YEAR	Trend I	30.0%	20.0%	19.0%	18.0%	17.0%	16.0%	15.0%	14.0%	13.0%	12.0%	11.0%	10.0%	9.5%	9.0%	8.5%	8.0%	7.5%	7.0%
Economic Life (Years)																				
1	2008	1.000	0.700	0.00	0.00	0.800	0.610	0.620	0.630	0.640	0.650	0.660	0.670	0.680	0.690	0.700	0.710	0.720	0.730	0.740
2	2007	1.032	0.506	0.00	0.00	0.661	0.677	0.684	0.694	0.708	0.728	0.763	0.799	0.836	0.864	0.883	0.902	0.923	0.942	0.962
3	2006	1.075	0.369	0.00	0.00	0.550	0.571	0.583	0.593	0.607	0.628	0.684	0.733	0.784	0.823	0.851	0.879	0.902	0.923	0.942
4	2005	1.120	0.269	0.00	0.00	0.459	0.482	0.507	0.538	0.568	0.613	0.672	0.735	0.785	0.826	0.856	0.886	0.915	0.935	0.955
5	2004	1.173	0.197	0.00	0.00	0.384	0.409	0.435	0.461	0.491	0.552	0.619	0.699	0.763	0.803	0.838	0.868	0.898	0.928	0.958
6	2003	1.197	0.150	0.00	0.00	0.314	0.338	0.364	0.391	0.421	0.484	0.556	0.636	0.702	0.750	0.780	0.810	0.840	0.870	0.900
7	2002	1.208	0.150	0.00	0.00	0.253	0.276	0.301	0.327	0.357	0.420	0.494	0.578	0.649	0.700	0.735	0.765	0.795	0.825	0.855
8	2001	1.218	0.150	0.00	0.00	0.204	0.226	0.249	0.275	0.302	0.364	0.438	0.524	0.598	0.653	0.698	0.728	0.758	0.788	0.818
9	2000	1.226	0.150	0.00	0.00	0.165	0.184	0.206	0.235	0.265	0.316	0.388	0.475	0.551	0.608	0.654	0.694	0.724	0.754	0.784
10	1999	1.242	0.150	0.00	0.00	0.150	0.160	0.171	0.184	0.197	0.237	0.306	0.381	0.453	0.511	0.569	0.615	0.655	0.695	0.735
11	1998	1.247	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.206	0.272	0.346	0.419	0.489	0.549	0.609	0.659	0.709	0.759
12	1997	1.260	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.180	0.243	0.318	0.391	0.469	0.529	0.589	0.639	0.689	0.739
13	1996	1.282	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.158	0.218	0.299	0.377	0.439	0.499	0.559	0.609	0.659	0.709
14	1995	1.306	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.218	0.299	0.377	0.439	0.499	0.559	0.609	0.659	0.709
15	1994	1.341	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.197	0.276	0.354	0.417	0.489	0.549	0.609	0.659	0.709
16	1993	1.373	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.178	0.254	0.331	0.394	0.468	0.528	0.588	0.638	0.688
17	1992	1.398	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.156	0.233	0.309	0.372	0.446	0.506	0.566	0.616	0.666
18	1991	1.424	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.214	0.288	0.350	0.425	0.485	0.545	0.605	0.655
19	1990	1.462	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.197	0.270	0.332	0.408	0.468	0.528	0.578
20	1989	1.513	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.178	0.256	0.318	0.384	0.444	0.504	0.554
21	1988	1.577	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.160	0.244	0.307	0.365	0.425	0.485	0.535
22	1987	1.626	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.230	0.293	0.351	0.411	0.471	0.521
23	1986	1.651	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.214	0.275	0.332	0.392	0.452	0.502
24	1985	1.674	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.196	0.258	0.317	0.377	0.437	0.487
25	1984	1.704	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.179	0.243	0.303	0.363	0.423	0.473
26	1983	1.752	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.164	0.231	0.291	0.351	0.411	0.461
27	1982	1.814	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.213	0.285	0.345	0.405	0.455
28	1981	1.938	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.197	0.269	0.329	0.389	0.439
29	1980	2.169	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.183	0.259	0.319	0.379	0.429
30	1979	2.375	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
31	1978	2.579	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
32	1977	2.759	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
33	1976	2.915	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
34	1975	3.224	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
35	1974	3.642	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
36	1973	3.994	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
37	1972	4.111	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
38	1971	4.251	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
39	1970	4.476	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
40	1969	4.694	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
41	1968	4.881	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
42	1967	5.061	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
43	1966	5.230	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
44	1965	5.319	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
45	1964	5.356	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
46	1963	5.388	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
47	1962	5.397	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
48	1961	5.413	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
49	1960	5.407	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150
50	1959	5.443	0.150	0.00	0.00	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150	0.150

For Trend I assets, use a minimum/floor valuation factor of 15% Good unless market conditions, appraisal judgment, or other considerations indicate that additional depreciation for obsolescence applies.

Trend II Combined Table
For Personal Computers, Network Computer, Digital Cameras and
Computerized Photography Equipment. Microchip Manufacturing
M&E and Process Support Equipment

Trend III Combined Table
For CNC Milling Machines

30.5

Percent Good Indicators -- For January 1, 2009 Valuation

Age	Year	Trend II	C (27)	B (30)	N (25)	S (15)
Economic Life (Years)			6	8	10	10
1	2008	1.000	0.730	0.700	0.750	0.850
2	2007	0.916	0.488	0.449	0.515	0.662
3	2006	0.844	0.328	0.289	0.356	0.518
4	2005	0.774	0.220	0.186	0.245	0.404
5	2004	0.712	0.148	0.120	0.169	0.316
6	2003	0.636	0.096	0.075	0.113	0.240
7	2002	0.559	0.062	0.050	0.075	0.179
8	2001	0.508	0.041	0.050	0.051	0.150
9	2000	0.468	0.028	0.050	0.050	0.150
10	1999	0.405	0.020	0.050	0.050	0.150
11	1998	0.338	0.020	0.050	0.050	0.150
12	1997	0.291	0.020	0.050	0.050	0.150
13	1996	0.253	0.020	0.050	0.050	0.150
14	1995	0.232	0.020	0.050	0.050	0.150
15	1994	0.213	0.020	0.050	0.050	0.150
16	1993	0.181	0.020	0.050	0.050	0.150
17	1992	0.149	0.020	0.050	0.050	0.150
18	1991		0.020	0.050	0.050	0.150
19	1990		0.020	0.050	0.050	0.150
20	1989		0.020	0.050	0.050	0.150
21	1988		0.020	0.050	0.050	0.150
22	1987		0.020	0.050	0.050	0.150
23	1986		0.020	0.050	0.050	0.150
24	1985		0.020	0.050	0.050	0.150
25	1984		0.020	0.050	0.050	0.150
26	1983		0.020	0.050	0.050	0.150
27	1982		0.020	0.050	0.050	0.150
28	1981		0.020	0.050	0.050	0.150
29	1980		0.020	0.050	0.050	0.150
30	1979		0.020	0.050	0.050	0.150
31	1978		0.020	0.050	0.050	0.150
32	1977		0.020	0.050	0.050	0.150
33	1976		0.020	0.050	0.050	0.150
34	1975		0.020	0.050	0.050	0.150
35	1974		0.020	0.050	0.050	0.150
36	1973		0.020	0.050	0.050	0.150
37	1972		0.020	0.050	0.050	0.150
38	1971		0.020	0.050	0.050	0.150
39	1970		0.020	0.050	0.050	0.150
40	1969		0.020	0.050	0.050	0.150
41	1968		0.020	0.050	0.050	0.150
42	1967		0.020	0.050	0.050	0.150
43	1966		0.020	0.050	0.050	0.150
44	1965		0.020	0.050	0.050	0.150
45	1964		0.020	0.050	0.050	0.150
46	1963		0.020	0.050	0.050	0.150
47	1962		0.020	0.050	0.050	0.150
48	1961		0.020	0.050	0.050	0.150
49	1960		0.020	0.050	0.050	0.150
50	1959		0.020	0.050	0.050	0.150

For Trend II assets, use 2% as minimum value for Personal Computers & Attached Peripherals, 5% or 15% for Microchip Manufacturing Machinery & Equipment - Computer Network Equipment that are in use, and 15% for all other assets unless otherwise indicated.

Age	Year	Trend III	MM (14)
Economic Life (Years)			11
1	2008	1.000	0.860
2	2007	1.000	0.740
3	2006	1.000	0.636
4	2005	1.000	0.547
5	2004	1.000	0.470
6	2003	1.000	0.405
7	2002	0.980	0.341
8	2001	0.898	0.269
9	2000	0.902	0.232
10	1999	0.912	0.202
11	1998	0.920	0.175
12	1997	0.928	0.152
13	1996	0.937	0.150
14	1995	0.976	0.150
15	1994	1.011	0.150
16	1993	1.016	0.150
17	1992	1.020	0.150
18	1991	1.036	0.150
19	1990	1.055	0.150
20	1989	1.119	0.150
21	1988	1.184	0.150
22	1987	1.266	0.150
23	1986	1.299	0.150
24	1985	1.337	0.150
25	1984	1.523	0.150
26	1983		0.150
27	1982		0.150
28	1981		0.150
29	1980		0.150
30	1979		0.150
31	1978		0.150
32	1977		0.150
33	1976		0.150
34	1975		0.150
35	1974		0.150
36	1973		0.150
37	1972		0.150
38	1971		0.150
39	1970		0.150
40	1969		0.150
41	1968		0.150
42	1967		0.150
43	1966		0.150
44	1965		0.150
45	1964		0.150
46	1963		0.150
47	1962		0.150
48	1961		0.150
49	1960		0.150
50	1959		0.150

Use in the valuation of Computer Numeric Controlled (CNC) Milling Machines when demonstrated CNC hardware component is integrated with the milling machine and cannot be separated from the machine or modified other than by software programming.

ORDER OF THE BENTON COUNTY
BOARD OF EQUALIZATION

Property Owner: Circuit City (Charles Long)

Parcel Number(s): 30PC74900000000

Assessment Year: 2009 Petition Number: E-206-09

Having considered the evidence presented by the parties in this appeal, the Board hereby:
☒ [X] sustains ☐ [] overrules the determination of the Assessor.

Assessor's True and Fair Value Determination

BOE's True and Fair Value Determination

☐ [] Land \$ _____
☐ [] Improvements \$ _____
☐ [] Timber/Minerals \$ _____
☒ [X] Personal Property \$ 285,293

☐ [] Land \$ _____
☐ [] Improvements \$ _____
☐ [] Timber/Minerals \$ _____
☒ [X] Personal Property \$ 285,293

This decision is based on our finding that: On 13 January 2010, the Board heard testimony from the County Appraiser and an appraiser from her staff regarding personal property owned by the appellant. The Board referred to written evidence prepared by the appellant's agent. The appellant had engaged Ernst & Young to determine the appropriate personal property tax value of the appellant's Richland store personal property assets as of 1 January 2009. The firm determined the value of the appellant's personal property to be \$48,000. Included in the file for the reader is a report of the analysis conducted by Ernst & Young. The County Appraiser said that a list of the personal property held by the appellant as of 1 January 2009 had been sent to and returned by the appellant. Using Washington State Department of Revenue guidelines and tax tables, the Assessor determined the value of the personal property to be \$285,293. The Board questioned the Assessor regarding the large difference between the appellant's value for the personal property compared to the value determined by the Assessor. She said that the appellant reported the book value of the assets whereas the county is required by the State to value the property at its market value. The Board sustains the Assessor's value for the appellant's personal property at \$285,293.

Dated this 20th day of January, (year) 20 10

Dale G. Olander
Dale G. Olander, BOE Chairman

Peggy S. Brown
Peggy S. Brown, BOE Clerk

NOTICE

This order can be appealed to the State Board of Tax Appeals by filing a notice of appeal with them at PO Box 40915, Olympia, WA 98504-0915, within thirty days of the date of mailing of this order. The Notice of Appeal form is available from either the County Board of Equalization or the State Board.

To inquire about the availability of this document in an alternate format for the visually impaired or a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985. You may also access tax information on our Internet home page at <http://www.wa.gov/dor/wador.htm>.

Distribution: *Assessor *Petitioner *BOE File

REV 64 0058 (8-05-98)

Exhibit D